

HARFORD COUNTY BILL NO. 22-007

Brief Title (Charter Amendment - Removal Of Council Member)

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mylin A. Dixon
Council Administrator

Date 5-24-22

ENROLLED

John H. Vincent
Council President

Date May 24 2022

BY THE COUNCIL

Read the third time.

Passed: LSD 22-017

Failed of Passage: _____

By Order

Mylin A. Dixon
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 25th day of May, 2022 at 3:00 p.m.

Mylin A. Dixon
Council Administrator



BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date 5/26/2022

BY THE COUNCIL

This Bill No. 22-007 having been approved by the Executive and returned to the Council, becomes law on May 26, 2022, for the purpose of providing for Referendum therein, required and subject to the provisions of Section 2 and 3 of this Bill.

Mylin A. Dixon
Council Administrator

This Act, having been approved by a majority of the voters of Harford County, voting on the amendment (Question B) to the Charter of Harford County, MD, in the General Election on November 8, 2022, stands EFFECTIVE December 8, 2022.

A handwritten signature in cursive script that reads "Mykia A. Dixon". The signature is written in dark ink and is positioned above a horizontal line.

Council Administrator

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 22-007

Introduced by Council Member Wagner

Legislative Day No. 22-013 Date: April 19, 2022

AN ACT to propose amendments to Article II, Legislative Branch, of the Harford County Charter, as amended, by repealing and reenacting with amendments, Section 210, Forfeiture of Office by Council Members; and Section 209 (a), Vacancies in the Council; to provide for the ability to remove a Council Member for specified reasons; to establish a process for removal; to provide an appeal process; to provide for filling the vacancy caused by a removal; and to require the submission of this amendment to the legally qualified voters of Harford County for their adoption or rejection in accordance with Section 905 of the Harford County Charter.

By the Council, April 19, 2022

Introduced, read first time, ordered posted and public hearing scheduled

on: May 17, 2022

at: 6:45 PM

By Order: *Mylin A. Dixon*, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on May 17, 2022, and concluded on May 17, 2022.

Mylin A. Dixon, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland, that Section 210, Forfeiture of Office by Council Members, and Subsection (a) of Section 209, Vacancies in the Council, each of Article II, Legislative Branch, of the Harford County Charter, as amended, be, and they are hereby, repealed and reenacted, with amendments, to read as follows:

Article II. Legislative Branch

SECTION 210. REMOVAL FROM OFFICE OR Forfeiture of Office [by] OF A Council [Members] MEMBER

(A) Forfeiture of Office by Council [Members] MEMBER

A Council member shall immediately forfeit office upon ceasing to be a qualified voter of the County or when convicted of a felony or a crime involving moral turpitude. A Council member required to reside in a particular Council district shall forfeit office upon ceasing to be a resident of that district, provided that no member of the Council shall forfeit office by reason of any change in the boundary lines of a Council district made during a single term.

(B) REMOVAL OF A COUNCIL MEMBER FROM OFFICE.

A COUNCIL MEMBER MAY BE REMOVED FROM OFFICE BY AN AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF THE COUNCIL AFTER A PUBLIC HEARING AND UPON A FINDING THAT THE COUNCIL MEMBER HAS FAILED TO PERFORM THE DUTIES OF OFFICE FOR A CONTINUOUS PERIOD OF SIX MONTHS OR IS UNABLE BY REASON OF PHYSICAL OR MENTAL DISABILITY TO PERFORM THE DUTIES OF OFFICE. THE DECISION OF THE COUNCIL MAY BE APPEALED BY THE COUNCIL MEMBER WITHIN TEN DAYS TO THE CIRCUIT COURT FOR HARFORD COUNTY BY PETITION. UPON THE FILING OF A PETITION, THE COURT MAY STAY THE REMOVAL

PENDING ITS DECISION. THE COURT SHALL MAKE INDEPENDENT DETERMINATIONS OF FACT, AND ITS DECISION MAY BE APPEALED TO THE COURT OF APPEALS OF MARYLAND.

Section 209. Vacancies in the Council.

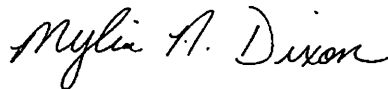
(a) A vacancy in the Council shall exist upon the death or resignation of a Council member, REMOVAL FROM OFFICE, or upon forfeiture of office by a Council member. When a vacancy occurs, a majority of the remaining members of the Council shall, within sixty calendar days thereafter, appoint a person to fill the vacancy. If an appointee is to succeed a member of a political party, that individual shall be selected from a list of at least three names submitted to the Council by the Central Committee of the party to which the former Council member belonged. If the Council has not acted within sixty calendar days, the County Executive shall appoint a person to fill the vacancy within ten calendar days thereafter. If the Council member who held the vacant position was a member of a political party at the time of election, the person appointed by the County Executive to fill the vacancy shall be selected from the same list that the Central Committee of that party has previously submitted to the Council. Except as provided in Subsection (b) of this section, an appointee shall serve for the unexpired term of the appointee's predecessor. Any person appointed to fill a vacancy shall meet the same qualifications and residence requirements as the previous Council Member.

Section 2. And Be It Further Enacted that before this Act becomes effective, it shall be submitted to a Referendum of the legally qualified voters of Harford County in accordance with Section 905 of the Charter of Harford County, Maryland, at the General Election to be held in November 2022. There

1 shall be printed on the ballots or ballot labels used at this election a brief summary in understandable
2 language of the purpose of this Act, and underneath the summary, on separate lines, a square or box to
3 the right of and opposite the words “For___,” and a corresponding square or box to the right of and
4 opposite the words “Against___,” so that each voter may vote for or against the provisions of this Act.
5 If a majority of the votes cast in the election are “For___,” the provisions of this Act shall become
6 effective from and after the 30th calendar day following the election, but if a majority of the votes cast
7 in the election are “Against___,” the provisions of this Act shall be of no effect and null and void.
8 Section 3. And Be It Further Enacted that subject to the provisions of Section 2 of this Act and for
9 the sole purpose of providing for the referendum therein required, this Act shall take effect 60 calendar
10 days from the date it becomes law.

EFFECTIVE: July 25, 2022

*The Council Administrator does hereby certify that
seven (7) copies of this Bill are immediately available for
distribution to the public and the press.*



Council Administrator